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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,769	09/15/2003	Reinhold Fuessinger	080404.52663US	7277
23911	7590	06/14/2005	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			PECHHOLD, ALEXANDRA K	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,769

Applicant(s)

FUESSINGER ET AL.

Examiner

Alexandra K Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☒ Claim(s) 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>filed 1/3/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant is advised that should claim 24 be found allowable, claim 25 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 22, 23, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Diefendahl (EP 0600321).**

Regarding claim 22, Diefendahl discloses a truss girder for a collapsible bridge comprising: two track girders (11, 12) forming (10) in Figs. 3 and 4, extending in use in respective truss planes forming two sides of a triangle with a triangle base extending between lower ends of the track girders when in an in use assembled condition (see Figs. 3 and 4) with transverse girders (18) fitted through and positioning said lower ends with respect to one another, and a hinge (at 13, 17) connecting upper portions of the two track girders together to thereby facilitate folding together of the two track girders

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when a bridge utilizing same is taken down (since Diefendahl discloses in the Abstract that the arrangements 10 can be folded up).

Regarding claim 23, Diefendahl discloses a collapsible bridge assembly comprising:

- truss girders (11, 12) positioned in use on lateral sides of a bridge roadway formed by the bridge assembly (see Fig. 3),
- transverse girders (18) detachably connected with respective truss girders at opposite lateral sides of the bridge roadway (see Fig. 4) and
- roadway planks (24) extending transverse to and supported at the transverse girders to form the bridge roadway,
- wherein the truss girders (11, 12) each comprise:
 - two track girders (11, 12) extending in use in respective truss planes forming two sides of a triangle with a triangle base extending between lower ends of the track girders when in an in use assembled condition with transverse girders (18) fitted through and positioning said lower ends with respect to one another, and
 - a hinge (in area of 13, 17 in Fig. 4) connecting upper portions of the two track girders together to thereby facilitate folding together of the two track girders when a bridge utilizing same is taken down (since Diefendahl discloses in the Abstract that the arrangements 10 can be folded up).

Regarding claim 26, Figs. 1 and 2 show the track girders (11, 12) coupled together in the longitudinal direction of the bridge from one or several track girder sections.

Regarding claims 27 and 28, the method of forming the bridge is not germane to the issue of patentability of the device itself. Therefore, these limitations have not been given patentable weight.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diefendahl (EP 0600321) as applied to claim 23 above, and further in view of Scuero (US 2001/0002497).** Diefendahl fails to disclose the transverse girders and/or the roadway planks consisting of extruded, tube-shaped fiber composite materials. Scuero discloses a geocomposite for roads and bridges made of a fibers (see claims 9 and 10), the geomembrane being extruded (paragraph (0024)), which has the advantage of being flexible and cushioned, capable of conforming to the base and structural layers of the roads and bridges, and providing cushioning so as to dissipate stress loads to a level supportable by the base layer and thus alleviate load-related cracking, having sufficient porosity and allow vertical migration of water, and having

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beneficial thermal properties (paragraph (0008)-(0014)). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the material of the transverse girders and/or the roadway planks of Diefendahl to be made of extruded, tube-shaped fiber composite materials as taught by Scuero, since Scuero states in paragraphs (0008)-(0014) the advantages of such material in bridges and roads, such as being flexible and cushioned, capable of conforming to the base and structural layers of the roads and bridges, and providing cushioning so as to dissipate stress loads to a level supportable by the base layer and thus alleviate load-related cracking, having sufficient porosity and allow vertical migration of water, and having beneficial thermal properties.

Response to Arguments

6. Applicant's arguments filed 1/3/05, with respect to the rejection of the claims using Hoegl as the primary reference have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Diefendahl (EP 0600321).

Allowable Subject Matter

7. Claims 1-21 are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (703) 872-9306.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
6/2/05